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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/037,801	03/10/98	LAFOUILLETTE	R 7310

IM62/0223

EXAMINER

ALEJANDRO, R

ART UNIT

1745

PAPER NUMBER

19

DATE MAILED:

02/23/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks****RECEIVED**

FEB 25 2000

Foster &amp; Foster L.C.

## Office Action Summary

Application No.  
09/037,801

Applicant(s)

Lafollete et al.

Examiner

Raymond Alejandro

Group Art Unit

1745



Responsive to communication(s) filed on 12/16/99

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 1-102 is/are pending in the application

Of the above, claim(s) 1-9, 44-50, 55-88, 93, and 98-102 is/are withdrawn from consideration

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 10-43, 51-54, 89-92, and 94-97 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims 1-102 are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on 3/10/98 is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

<b>Interview Summary</b>	Application No. <b>09/037,801</b>	Applicant(s) <b>Lafollette</b>
	Examiner <b>Maria Nuzzolillo</b>	Group Art Unit <b>1745</b>

All participants (applicant, applicant's representative, PTO personnel):

(1) Maria Nuzzolillo

(3) \_\_\_\_\_

(2) Mr. Lynn Foster

(4) \_\_\_\_\_

Date of Interview Feb 3, 2000

Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).

Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description:

\_\_\_\_\_

\_\_\_\_\_

Agreement  was reached.  was not reached.

Claim(s) discussed: Claims of proposed group, i.e. 10-43; 51-55; 78; 80-88; 94-105

Identification of prior art discussed:

\_\_\_\_\_

\_\_\_\_\_

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Agreement was reached to examine elected claims of newly proposed Group I. Thus, the examiner will examine on the merits claims 10-43; 51-54; 89-92 and 94-97.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1.  It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2.  Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

*Maria Nuzzolillo*  
Supervisory Patent Examiner  
Technology Center 1700

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Art Unit: 1745

## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9, 75-77 and 79, drawn to a source of electrical energy having a MEMS, classified in class 429, subclass 7.
  - II. Claims 10-43, 51-54, 89-92 and 94-97, drawn to a microscopic battery integrated with a microelectronic circuit, classified in class 429, subclass 122.
  - III. Claims 44-50, 56-69 and 93, drawn to a method for fabricating a microscopic battery, classified in class 29, subclass 623.1.
  - IV. Claims 55, 78, 80-88 and 98-105, drawn to a method of making a microscopic battery forming several microscopic cells, classified in class 29, subclass 623.1.
  - V. Claims 70-74 and 89-92, drawn to a microscopic conformal microscopic battery, classified in class 429, subclass 126.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, different functions, or different effects.
3. Inventions III and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be